

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|--|---------------------------|---|------------------------|--------------------|
| Investigator: Shevani Patel | Team: Team # 5 | CCRB Case #: 201306187 | <input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury | | |
| Incident Date(s) Friday, 07/05/2013 12:20 AM | Location of Incident: Vicinity of Legion Street and Livonia Avenue; 311 Legion Street; 73rd Precinct stationhouse | | Precinct: 73 | 18 Mo. SOL 1/5/2015 | EO SOL 1/5/2015 |
| Date/Time CV Reported Fri, 07/05/2013 12:00 AM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 07/11/2013 1:05 PM | | |

[illegible][illegible]

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. Officers | | | |
| 2. POM Victor Depaz | 00176 | 951676 | PBBN |
| 3. SGT Matthew Cahill | 01163 | 932397 | PBBN |

| Subject Officer(s) | Shield | TaxID | Command |
|----------------------------|--------|--------|---------|
| 4. POM Alejandro Villalona | 25443 | 947866 | 073 PCT |
| 5. SGT James Grillo | 02504 | 922454 | 073 PCT |
| 6. SGT Ricardo Otero | 02825 | 925867 | 073 PCT |
| 7. An officer | | | |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POF Kenya Clarke | 30809 | 952597 | MTS PCT |
| 2. POM Bryan Cullen | 28302 | 945363 | 073 PCT |
| 3. POM Joseph Mcevoy | 14582 | 944790 | 073 PCT |
| 4. POM Rene Castellano | 02610 | 946836 | 073 PCT |
| 5. LT Freddy Chalen | 00000 | 929870 | 045 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|---------------------------|--|-----------------------------|
| A.POM Victor Depaz | Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Victor Depaz used physical force against § 87(2)(b) | |
| B.POM Alejandro Villalona | Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Alejandro Villalona used physical force against § 87(2)(b) | |
| C.SGT Matthew Cahill | Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, Sgt. Matthew Cahill used physical force against § 87(2)(b) | |
| D. Officers | Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers used physical force against § 87(2)(b) and § 87(2)(b) | |
| E. Officers | Discourtesy: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers spoke rudely to § 87(2)(b) and individuals. | |
| F. Officers | Abuse: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers threatened to arrest § 87(2)(b) and individuals. | |
| G. An officer | Abuse: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, an officer threatened § 87(2)(b) with the use of force. | |
| H.POM Alejandro Villalona | Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Alejandro Villalona used physical force against § 87(2)(b) | |
| I. Officers | Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers used physical force against § 87(2)(b) | |
| J. Officers | Discourtesy: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers spoke rudely to § 87(2)(b) | |
| K.SGT Matthew Cahill | Force: At the 73rd Precinct stationhouse, Sgt. Matthew Cahill used physical force against § 87(2)(b) | |
| L. Officers | Discourtesy: At the 73rd Precinct stationhouse, officers spoke rudely to § 87(2)(b) and individuals. | |
| § 87(4-b) § 87(2)(g) | | |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|------------|-----------------------------|
| § 87(4-b) § 87(2)(g) | | |
| § 87(4-b) § 87(2)(g) | | |

Case Summary

On July 5, 2013, § 87(2)(b) who did not witness this incident, filed a complaint on behalf of her son, § 87(2)(b) over the phone with IAB where it received log number 13-28839 (encl. 6A-B). On July 5, 2013, § 87(2)(b) filed a complaint over the phone with IAB where it received original log number 13-28811 (encl. 6C-E). On July 18, 2013, § 87(2)(b) and his mother, § 87(2)(b) who did not witness this incident, filed a complaint, over the phone with IAB where it received log number 13-30691 (encl. 6F-G). All three complaints were subsequently referred to the CCRB (encl. 6H-O).

On July 5, 2013, at approximately 12:20 a.m., several hundred people were at various cook-outs on Legion Street between Livonia Avenue and Riverdale Avenue in Brooklyn when officers from different commands responded to clear out the area. § 87(2)(b) and § 87(2)(b) were arrested. The following allegations resulted:

- **Allegation A – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Victor Depaz used physical force against § 87(2)(b)**
- **Allegation B – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Alejandro Villalona used physical force against § 87(2)(b)**
- **Allegation C – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, Sgt. Matthew Cahill used physical force against § 87(2)(b)**
- **Allegation D – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers used physical force against § 87(2)(b) and § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation E – Discourtesy: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers spoke rudely to § 87(2)(b) and individuals.**
- **Allegation F – Abuse of Authority: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers threatened to arrest § 87(2)(b) and individuals.**
- **Allegation G – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, an officer threatened § 87(2)(b) with the use of force.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation H – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Alejandro Villalona used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation I – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers used physical force against § 87(2)(b)**
- **Allegation J- Discourtesy: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers spoke rudely to § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation K – Force: At the 73rd Precinct stationhouse, Sgt. Matthew Cahill used physical force against § 87(2)(b)**

§ 87(2)(g)

- **Allegation L- Discourtesy: At the 73rd Precinct stationhouse, officers spoke rudely to**

§ 87(2)(b)

and individuals.

§ 87(2)(g)

- § 87(4-b) § 87(2)(g)

This case was unsuitable for mediation.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 5'6" tall, weighs 158 pounds and has black hair and brown eyes.* § 87(2)(b)

Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b). He stated that he was assaulted by police from the 73rd Precinct on July 4, 2013. He complained of pain to his lower back, abrasions on his left shoulder and left knee and a tender head (encl. 39YY).

CCRB Testimony

On August 1, 2013, § 87(2)(b) provided a telephone statement and on August 16, 2013, he was interviewed at the CCRB (encl. 7A-G), § 87(2)(g).

On July 5, 2013, at approximately 12:20 a.m., § 87(2)(b) was attending a Fourth of July gathering at 322 Legion Street in Brooklyn with about 50 other people. Loud music was coming from the back. Most of the people attending the gathering were in front of the house in a gated area, in the driveway and on the sidewalk out front. On that same block, there were several other cook-outs and parties. He estimated there to be over 100 people among the separate gatherings along the block.

§ 87(2)(b) wore a cast on his right arm for a previous fracture. He crossed the street to use his phone. A marked van stopped in front of 322 Legion Street. Two officers, a white or Hispanic male in his 20's or 30's who was 5'8" to 5'10" tall, chubby and whose nameplate read "Depaz," and a white male who was 5'6" tall, came out of the van with their flashlights out and immediately approached him. The investigation identified the first officer as PO Victor Depaz of Patrol Borough Brooklyn North. The second officer is unidentified. About five or six other uniformed officers also exited the van and went towards the party. PO Depaz grabbed a white styrofoam cup with a plastic lid that was sitting on top of a car a few feet away from § 87(2)(b).

§ 87(2)(b) and asked him whose it was. § 87(2)(b) who was never carrying a cup, denied it being his. PO Depaz claimed that there was alcohol inside.

PO Depaz asked § 87(2)(b) to stand against a wall inside of a driveway and asked him for identification. § 87(2)(b) searched for his identification in all of his pockets, but could not find it. Within seconds, his sister, § 87(2)(b) came across the street. The unidentified officer spoke with her. PO Depaz held onto one of § 87(2)(b)'s wrists as he placed his other hand into each of his six shorts pockets and pulled out bills and coins from two of his pockets. § 87(2)(b) was also searching in his pockets at the same time. They could not find his identification.

After one or two minutes, § 87(2)(b) saw about 30 officers run after a man, who he could not describe, in the middle of the street. The unidentified officer joined them and PO Depaz remained with § 87(2)(b). He picked up a paper bag that was on the ground and asked what it was. § 87(2)(b) did not see this paper bag beforehand and did not know what was inside. PO Depaz told him that he was under arrest. He put one handcuff on the left hand, held onto it and walked behind him. Another officer, who he described as a white officer in his 20's or 30's who was 7' tall, had a slim build and whose nameplate read "Reyes" or "Reeves," approached them. The investigation identified this officer as PO Alejandro Villalona of Patrol Borough Brooklyn North. PO Depaz asked PO Villalona how to handcuff the cased hand, but he did not know. PO Depaz attempted to put the handcuff above the cast, but it did not fit.

Approximately seven officers approached them. § 87(2)(b) lifted both of his arms up as PO Depaz kept his grip on the left arm. Several officers, who he could not describe, punched § 87(2)(b) in his ribs 10 or 20 times until he hit the ground. He stated that it happened so fast that he was unable to distinguish which officers were punching him. He could not further describe how he got to the ground. He was face down on the ground and his left arm was behind his back. PO Depaz's knee was on his neck (his breathing was not restricted). He looked above his right shoulder and saw an officer who he described as a white male who was in his mid-30's to 40's, was 5'8" to 5'9" tall, stocky, had a shaved bald head and whose nameplate read "Cahill," punching him in his ribs and kneeling the right side of his body. The investigation identified this officer as Sgt. Matthew Cahill of Patrol Borough Brooklyn North. Multiple officers, who he could not see, punched, kicked and kned him in his ribs, on his sides and his neck more than 10 times. He could not distinguish the difference between the kicks and the punches, but assumed these to be the types of strikes based on the positioning of the officers all around him. § 87(2)(b) tried to give the officers his right arm, but because of the cast, his right arm was unable to be maneuvered to his back. He was not physically resisting in any way. Officers twisted his wrist that was in the cast and put the right handcuff on his forearm below his elbow. It pinched his skin, cutting him. There were hundreds of people surrounding § 87(2)(b) and the officers. He noticed that they were crying, yelling and trying to record with their phones.

PO Villalona picked him up and walked him to the paddy wagon, holding onto his neck and the back of his right arm. § 87(2)(b) was screaming. PO Villalona forcefully pushed his face into the closed window of the van. The right side of his head made contact with the window. PO Villalona then opened the door and pushed him upwards into the van. PO Depaz and two other officers were in the vehicle. Sgt. Cahill was in the front passenger's seat. Sgt. Cahill said, "I'm going to take you somewhere where there ain't no cameras." When they got to the 73rd Precinct stationhouse, § 87(2)(b) was exiting the car when Sgt. Cahill punched him on the right side of his stomach with a closed fist and said, "You're not so tough now."

A man with dreadlocks, identified by investigation as § 87(2)(b) was inside of the cell next to § 87(2)(b). He complained that his ribs were broken and officers told him that he had to wait for medical treatment. § 87(2)(b) did not request any medical treatment during custody. He had scrapes on his shoulders, bruises on the middle of his back, head and knees from

when he was getting handcuffed. He was released at night and went to § 87(2)(b) in Brooklyn § 87(2)(b) where he received a full body x-ray, was prescribed pain medication and got his cast redone. On August 28, 2013, § 87(2)(b) emailed the undersigned photographs of a scrape in his left knee. On September 5, 2013, he emailed the undersigned a second photograph of the scrape on his left knee and a photograph of a scrape on his left shoulder (encl. 7H-J).

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 5'7" tall, weighs 150 pounds and has black hair and brown eyes.* § 87(2)(b). *He is* § 87(2)(b) *s brother.*

CCRB Testimony

On September 9, 2013, § 87(2)(b) provided a telephone statement and on September 20, 2013, he was interviewed at the CCRB (encl. 8A-G). § 87(2)(g)

§ 87(2)(b) He stated that 8 or 9 officers poked § 87(2)(b) on his body with their batons. When § 87(2)(b) tried to record § 87(2)(b) s apprehension, an unidentified officer pushed his right shoulder and, as a result, he bumped into another officer's back. Other officers, who he could not recall, grabbed his back and pushed him to the floor. He was handcuffed, but released soon after without any ticket. He sustained a cut on his left arm near his elbow. Later that night, he went to the 73rd Precinct stationhouse where a crowd of about 12 people gathered outside. Thirty officers came outside and people argued with them. Several officers told everyone, "Get the fuck out of here. Move back." An officer who § 87(2)(b) could not see told his brother-in-law, § 87(2)(b) "Move off the property. Get the fuck out of here. What the fuck did I tell you? Move. I'll fuck you up."

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black female who is 5'1" tall, weighs 104 pounds and has blonde hair and dark brown eyes.* § 87(2)(b) *She is* § 87(2)(b) *s sister.*

CCRB Testimony

On September 10, 2013, § 87(2)(b) provided a telephone statement and on September 20, 2013, she was interviewed at the CCRB (encl. 9A-G). § 87(2)(g)

§ 87(2)(b) § 87(2)(b) was holding a cup when officers first approached him. During his apprehension, a tall white male officer kned § 87(2)(b) but no officer kicked or punched him.

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 5'5" tall, weighs 195 pounds and has black hair and brown eyes.* § 87(2)(b) *He is* § 87(2)(b) *s children's father.*

CCRB Testimony

On September 10, 2013, § 87(2)(b) provided a telephone statement and on September 20, 2013, he was interviewed at the CCRB (encl. 10A-F). § 87(2)(g)

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 5'3" tall, weighs 130 pounds and has black hair and brown eyes.* § 87(2)(b) *He is* § 87(2)(b) *s brother.*

CCRB Testimony

On September 10, 2013, § 87(2)(b) provided a telephone statement and on September 20, 2013, he was interviewed at the CCRB (encl. 11A-G). § 87(2)(g)

§ 87(2)(b) No officer struck § 87(2)(b) When § 87(2)(b) was placed into the van, § 87(2)(b) cried and an unidentified officer told him, "Just shut the fuck up. You're not going to get no ticket or nothing," and he also told § 87(2)(b) "Back up before you get locked up too." He went to the stationhouse where 30 to 45 officers were outside. An officer told the crowd, "I need everyone to get the fuck away from the precinct." They walked away and an officer told his friend, § 87(2)(b) § 87(2)(b) "Don't fucking look back. If you look back, I'm going to break your neck."

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 5'9" tall, weighs 180 pounds and has black hair and brown eyes.* § 87(2)(b) § 87(2)(b) *is friends with* § 87(2)(b) *and the godfather of* § 87(2)(b) *s children.*

CCRB Testimony

On September 12, 2013, § 87(2)(b) provided a telephone statement and on September 27, 2013, he was interviewed at the CCRB (encl. 12A-G). § 87(2)(g)

§ 87(2)(b) At the stationhouse, officers yelled, "Get the fuck away," and "Get the fuck out of there." An unidentified officer told him, "If you turn back around, you're not going to want none of this."

Witness: § 87(2)(b)

§ 87(2)(b) *old at the time of the incident, is* § 87(2)(b) *black female.*

CCRB Testimony

On September 26, 2013, § 87(2)(b) provided a telephone statement (encl. 13A). She stood on the sidewalk on Legion Street and Livonia Avenue where she saw civilians and uniformed officers screaming and talking. She did not see anyone get arrested or any officer make physical contact with anyone.

Witness: § 87(2)(b)

§ 87(2)(b) *old at the time of the incident, is* § 87(2)(b) *black female.*

CCRB Testimony

On September 26, 2013, § 87(2)(b) provided a telephone statement (encl. 14A). § 87(2)(g)

On July 4, 2013, she hosted a gathering at her house with about 30 people. § 87(2)(b) and officers were cursing. She could not recall any specific statements that were made or what

profane words were used. Officers hit him with their hands and pushed him. She heard officers tell people in the crowd, who were yelling and arguing, "Move back or you'll be arrested."

From September 11, 2013 to October 7, 2013, two letters were sent to § 87(2)(b) and five calls were made to her. She scheduled a sworn statement on October 15, 2013, which she failed to appear to without notifying the undersigned beforehand. On November 7, 2013, an NYC Department of Correction search indicated that she was not incarcerated.

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is black male.* § 87(2)(b)

CCRB Testimony

On September 18, 2013, § 87(2)(b) provided a telephone statement (encl. 15A). § 87(2)(g). An officer, who he could not describe, punched § 87(2)(b)'s stomach. Officers made statements to the crowd such as, "Move back or we're going to hurt you," and "I'm going to hit you with my baton or mace you if you don't move." § 87(2)(b) was pushed face first into a van.

From September 11, 2013 to October 7, 2013, three letters were sent to § 87(2)(b) and five calls were made to him. He scheduled a sworn statement for September 30, 2013, which he failed to appear to without notifying the undersigned beforehand. On November 7, 2013, an NYC Department of Correction search indicated that he was not incarcerated.

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black female who is 5'10" tall, weighs 160 pounds and has brown hair and brown eyes.* § 87(2)(b)
§ 87(2)(b) *She is* § 87(2)(b) *s wife.*

CCRB Testimony

On July 15, 2013, § 87(2)(b) provided a telephone statement and on July 22, 2013, she was interviewed at the CCRB (encl. 16A-G). § 87(2)(g).

On the evening of July 4, 2013, § 87(2)(b) attended a barbeque in the front yard of the § 87(2)(b), § 87(2)(b) at 311 Legion Street in Brooklyn. § 87(2)(b) was talking and eating with § 87(2)(b) her friend, § 87(2)(b) and her cousin-in-law, § 87(2)(b). She saw uniformed officers approach and frisk a black male with a cast, identified by investigation as § 87(2)(b) across the street. § 87(2)(b) remained standing directly outside of the gate to § 87(2)(b)'s front yard. A male, who is known to § 87(2)(b) only as § 87(2)(b) came across the street from the large party and entered § 87(2)(b)'s yard, leaving the gate open behind him. He cursed at two black male officers who were standing on the street and called them slaves. The two black officers approached § 87(2)(b) by climbing over the neighbor's gate and asked him what he had said. § 87(2)(b) did not respond and stood quietly. He was never handcuffed or issued a summons.

§ 87(2)(b) stared at § 87(2)(b) from outside of the gate. Two white male officers, who she described identically as white males who were taller than 5'10", muscular, had low cut blond or brown hair and were in their early 30's, approached the house in order to see what was going on with § 87(2)(b). The investigation identified one of these officers as PO Bryan Cullen of the 73rd Precinct. The second officer is unidentified. Because she was standing in front of the gate, one of the black officers asked her to move. § 87(2)(b) did not move. She argued with either PO Cullen or the other officer, who in turned yelled at her to move. She told him that his yelling was unnecessary and that she was not in his way. He asked her to move three

or four times, but she refused, both physically and verbally, each time. The same officer told her, “You better move out of my way before I spray you with mace.” He reached towards his pepper spray, but did not grab it, unholster it or utilize it. The other officer pulled her hands behind her back and she allowed him to do so. She was handcuffed and taken to the 73rd Precinct stationhouse.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black male who is 6’3” tall, weighs 343 pounds, is bald and has brown eyes.* § 87(2)(b)

Statement to IAB

On July 5, 2013, § 87(2)(b) provided a statement to IAB. He stated that § 87(2)(b) was instructed to move by an unidentified officer. She asked him where she wanted her to move. Another officer said, “Do you want to get fucking arrested?” She was placed under arrest and may have sustained injuries.

CCRB Testimony

On July 15, 2013, § 87(2)(b) provided a telephone statement and on July 22, 2013, he was interviewed at the CCRB (encl. 17A-I). § 87(2)(g)

Officers punched and kicked § 87(2)(b) multiple times “all over.” While he was watching § 87(2)(b) § 87(2)(b) heard an individual in the crowd yell that someone had slashed a tire on a police vehicle. § 87(2)(b) did not observe this, but he saw the officers running in one direction and a large crowd following them. He and § 87(2)(b) joined the crowd, who followed the officers to the corner of Legion Street and Dumont Avenue. Approximately ten uniformed officers, who § 87(2)(b) could not describe, surrounded the individual. § 87(2)(b) could not see any individual, but believed that the officers were arresting someone on the ground. He did not see how the officers handcuffed the individual. He never observed any officer strike this individual. Officers began to yell, “Get back,” “Get the fuck back,” “Get on the sidewalk,” “If you don’t get back, we’re going to arrest you,” “Move,” and, “Get out the way.”

§ 87(2)(b) ran over and told § 87(2)(b) that his wife was being arrested. When he got there, he spoke with an unidentified black officer, who told him, “The reason why you’re wife got arrested is that her fucking friend’s being unruly.” § 87(2)(b) responded, “First of all, my wife has no fucking friends because she don’t talk to no one but my sister.” During this time, § 87(2)(b) was seated in the car as she was “mouthing off” at the officers.

At a time after 1:00 a.m., § 87(2)(b) and § 87(2)(b) went to the 73rd Precinct stationhouse to inquire about § 87(2)(b). While they were waiting, five or six individuals, who § 87(2)(b) did not know, came into the stationhouse. They were yelling and screaming so they decided to wait directly outside of the front door. § 87(2)(b) s brother, § 87(2)(b) arrived at the stationhouse and waited with § 87(2)(b) § 87(2)(b) heard multiple officers state, “Get the fuck out of here,” to the people inside. The individuals who were inside of the stationhouse ran through the doors as officers pepper-sprayed them. § 87(2)(b) was standing nearest to the doors, and her face came in contact with the pepper-spray. She began to wipe her face and cough. Everyone who had exited the stationhouse was also coughing. Eight or nine uniformed officers, who he could not describe, came outside of the stationhouse. The officers asked them to wait across the street opposite of the stationhouse.

§ 87(2)(b) called an ambulance via 911 for § 87(2)(b) which arrived in front of the stationhouse about ten minutes later. She went to the hospital.

§ 87(2)(b) called § 87(2)(b) to see where he had gone. As he was calling him, he observed officers, who he could not describe, escorting him inside of the stationhouse. § 87(2)(b) did not know at the time if that was § 87(2)(b). He did not see what happened before he was escorted inside. § 87(2)(b) later learned that officers took § 87(2)(b) inside, but released him 30 minutes later.

Witness: § 87(2)(b)

- § 87(2)(b) *is a female. She provided no further pedigree information to the CCRB. She is friends with* § 87(2)(b)

CCRB Testimony

On August 7, 2013, § 87(2)(b) provided a telephone statement (encl. 18A). § 87(2)(g) At the stationhouse, ten officers sprayed mace at the crowd of about five or six people. She did not see any officer directly point it at her face, but it got into her eyes. She went to § 87(2)(b) where her eyes were washed out. At the conclusion of her telephone statement, § 87(2)(b) stated that she was not willing to provide a sworn statement, but was given the undersigned's information and was advised to call if she chose to provide a statement.

Witness: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *old at the time of the incident, is a black female. She is* § 87(2)(b) *sister.*

CCRB Testimony

On August 28, 2013, § 87(2)(b) provided a telephone statement (encl. 19A). § 87(2)(g) From July 31, 2013 to September 3, 2013, two letters were sent to § 87(2)(b) and six calls were made to her. She was unable to schedule a sworn statement. To date, she has not contacted the CCRB to schedule a sworn statement.

Victim: § 87(2)(b)

- § 87(2)(b) § 87(2)(b) *-old at the time of the incident, is a black male who is 6'4" tall, weighs 260 pounds and has black dreadlocks and brown eyes.* § 87(2)(b)

Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b). He stated that he was beaten by police and complained of pain to his ribs, back of head and face (encl. 39R). On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) where he stated that he was assaulted and complained of pain to his ribs and not being able to breathe (encl. 39GGGG).

Statement to IAB

On July 18, 2013, § 87(2)(b) provided a statement to IAB. He stated that officers thought he damaged the RMP so he ran. While running, he tripped and fell, landing on his hands. While he was on the ground, several officers started kicking him in his head, back and groin. He was taken to § 87(2)(b) where he was treated for two broken ribs (encl. 6F-G).

CCRB Testimony

On August 1, 2013, § 87(2)(b) provided a telephone statement and on August 13, 2013, § 87(2)(b) was interviewed at the CCRB (encl. 20A-G).

On July 4, 2013, at approximately 11:45 p.m., § 87(2)(b) was attending a friend's barbeque at a community center on the corner of Livonia Avenue and Legion Street with over 30 people. Most of these individuals were § 87(2)(b)'s friends, but he refused to provide any name or contact information of anyone who attended. A marked van pulled up outside of the location and seven or eight uniformed officers exited. They told § 87(2)(b) and his group to clear the area and "pack their shit up." § 87(2)(b) picked up a sanitation broom and swept the cups on the sidewalk. All of the officers got into the van and left.

Approximately 15 minutes later, another set of officers in one marked van and four or five marked patrol cars came. More than 15 uniformed officers exited and held their batons. Multiple officers, who § 87(2)(b) could not see, stated, "Pack your shit up," and, "Get off the streets." The crowd became irate and started to verbally dispute the officers' presence.

§ 87(2)(b) walked away from the officers and went down Legion Street because he heard commotion. He stood on the driver's side of a vehicle and watched officers speak with a man he did not know. § 87(2)(b) leaned onto his broom. He heard a hissing sound so he knelt down to look at the rear driver's side tire. It appeared to § 87(2)(b) that someone had stabbed the tire. § 87(2)(b) did not stab the tire. His broom did not make contact with the tire. As he was on the ground, he looked over at two unidentified officers, who he described as a who was 36 to 45 years old, 6'4", 260 pounds and had black hair, and a white male who was 6' and had a medium build, standing next to him. He looked at them, said, "Oh shit," and started running with the broom. Within a few feet, he dropped the broom. § 87(2)(b) ran and made a left on Livonia Avenue. The officers followed him.

Just as he turned, § 87(2)(b) fell to the ground on his hands on the sidewalk. Immediately, 8 to 12 officers, including the two that ran after him, surrounded him and began to kick and punch him. He could not describe any of the other officers, but stated that they were all white males in uniform. § 87(2)(b) was lying on the right side of his body with his arms covering his face and his knees bent into his stomach. § 87(2)(b) rolled his body to the left side. The officers tried to pull § 87(2)(b)'s hands away from his face. They continued to kick and punch him as he was curled up. In total, § 87(2)(b) was kicked approximately 50 times in his head, back, legs and ribs and punched approximately 50 to 60 times in his jaw and head. Officers also stomped on § 87(2)(b)'s shoulders about 10 or 15 times. Several officers were striking him simultaneously so he could not distinguish which officer was doing what. § 87(2)(b) was not making any other movements with his body.

The officers turned § 87(2)(b) over on his stomach and pulled his arms behind his back. Multiple officers, who he could not see, called him a "motherfucker," several times, but he could not remember how many times he heard this. One of the officers, who he could not see, kicked him in his genitals. After he was stood up, one officer, whose face § 87(2)(b) could not see, punched him on the right side of his face. The officer with the black hair punched him in his ribs. At this point, § 87(2)(b) lost his breath and felt that "something was not right." He had one sneaker on and one sneaker off. There was a crowd of more than 30 people around § 87(2)(b). He heard officers say, "Get him in the car." § 87(2)(b) asked for his sneaker. The officer with the black hair said, "You ain't getting shit. Get the fuck in the car. Get the fuck in the car." § 87(2)(b) told the officers that he would not get into the car until he had his sneaker on. The officer with the black hair told him to get into the car two or three times. One of the officers went to the other side of the car and opened the door, but § 87(2)(b) decided to seat himself. The officer with the black hair drove and the officer who was 6' tall sat in the front passenger's seat. They took him to the 73rd Precinct stationhouse.

Inside of the car, § 87(2)(b) was in pain and told the officers that he wanted to go to the hospital because he was not feeling well 10 to 12 times. They did not say anything to him. The side of § 87(2)(b)'s face was swollen, but he was not bleeding anywhere.

Inside of the stationhouse, § 87(2)(b) continuously asked to go to the hospital. He did not ask any specific officer because none were walking by, but he yelled his requests. At separate times, five officers walked by and § 87(2)(b) told them that he needed medical treatment. Each officer, none of who he could remember or describe, got his name and arresting officer and left.

At an unknown time, § 87(2)(b) was taken out of the cell to go to Brooklyn Central Booking, where he spoke with an EMT. § 87(2)(b) was taken back to the 73rd Precinct stationhouse because Brooklyn Central Booking was full. On July 6, 2013, at 4:00 a.m., an ambulance came to the stationhouse. § 87(2)(b) told the EMTs that he could not breathe and that he was in pain from his neck to his back and had severe pain in his ribs. They took him to § 87(2)(b). § 87(2)(b) told the doctor that he was beaten by the police, was in pain and could not stand or sit. § 87(2)(b) was diagnosed with two broken ribs. The doctor told him that he could have punctured his lung and died if he had waited longer to come. § 87(2)(b) was in excruciating pain, but the doctor explained to him that his ribs would have to heal on their own. § 87(2)(b) was taken back to the 73rd Precinct stationhouse. From there, he went back to Brooklyn Central Booking. He saw the judge and was remanded. He was also treated on Riker's Island. On § 87(2)(b), after he was released, § 87(2)(b) was treated at § 87(2)(b) where he was given pain medication and took x-rays.

Attempts to Contact Civilians

From July 31, 2013 to August 28, 2013, two letters were sent to § 87(2)(b) and five calls were made to her. From September 11, 2013 to September 30, 2013, two letters were sent to § 87(2)(b) and five calls were made to him. On August 28, 2013, a search of White Pages, BADS and Lexis Nexis yielded negative results for § 87(2)(b). On November 7, 2013, a search of the NYC Department of Correction website indicated that none of them were incarcerated. Several first names of witnesses were also provided, but with no further identifying or contact information, no searches could be conducted. Therefore, no statements were obtained from the aforementioned individuals and they have been listed as witnesses.

Attempts to Obtain Video Footage

According to § 87(2)(b) and officer testimony, § 87(2)(b)'s apprehension took place outside of CAB Signs, Inc. at 38 Livonia Avenue in Brooklyn. On September 16, 2013, the undersigned received a letter in response to a subpoena that was sent, which stated that the business no longer had the requested footage (encl. 37Y).

NYPD Statements:

Subject Officer: PO VICTOR DEPAZ

- *PO Depaz, § 87(2)(b) old at the time of the incident, is a Hispanic male who is 5'10" tall, weighs 220 pounds and has brown hair and brown eyes. On July 4, 2013, PO Depaz worked in uniform from 6 p.m. to 2:35 a.m. the next day with overtime until 9 p.m. He was assigned to the arrest auto, which was a marked van, with Sgt. Matthew Cahill, PO Geronimo Tyrell and PO Evan Gales. PO Gales was the operator.*

Memo Book

At 12:20 a.m., PO Depaz stopped § 87(2)(b) for an open container on Livonia Avenue and Legion Street. He had a marijuana cigarette in his left cargo pocket. He did not have identification and resisted by punching, kicking and threatening the officers (encl. 21B-D).

On-Line Booking Sheet

§ 87(2)(b)'s arrest report, prepared by PO Depaz, noted that § 87(2)(b) was stopped with an open container. He had no identification and started resisting arrest, saying, "Fuck you cops," and inciting a riot, telling the crowd to gather. Upon a search incident to a lawful arrest, § 87(2)(b) had a rolled up marijuana cigarette in his left cargo pocket. He was threatening PO Depaz by saying, "I'm going to shoot you, you fucking rice and beans eating motherfucker." He was resisting arrest by kicking and punching officers. Upon further investigation, § 87(2)(b) was found to have an open warrant (encl. 21E-G).

CCRB Testimony

On December 3, 2013, PO Depaz was interviewed at the CCRB (encl. 21H-K).

On July 5, 2013, at approximately 12:20 a.m., PO Depaz and his partners drove by to a block party on Legion Street and Livonia Avenue where people were drinking on the street. They were the first vehicle on scene. There were more than one hundred people on the street dispersed on the street, sidewalk, in front of homes and near garages. There were several homes having parties. PO Depaz observed § 87(2)(b) with an open container. The officers pulled the van over.

Upon exiting, PO Depaz approached § 87(2)(b) who was standing by himself, between two cars holding a white cup with what appeared to be a mixed liquid inside and smelled of alcohol. No other officer was with PO Depaz. PO Depaz asked him for his identification five to six times, but § 87(2)(b) refused, became irate and cursed. PO Depaz decided to take § 87(2)(b) to the stationhouse to either process his arrest or release him with a C-summons.

PO Depaz pulled out his handcuffs. A female, identified by investigation as § 87(2)(b) walked up to § 87(2)(b) and immediately started pulling money out of his pocket. PO Depaz told her to stop and asked her to leave. Because he had a cast on his right arm, PO Depaz was not sure how to handcuff him. As § 87(2)(b)'s back was to him, he placed one handcuff on one wrist, but left the wrist with the cast free. PO Depaz searched his front two pants pockets, two back pockets and two cargo pockets. He recovered a marijuana cigarette in a brown paper bag in § 87(2)(b)'s left cargo pocket. § 87(2)(b) accused PO Depaz of planting it in his pocket.

During this encounter, additional police vehicles arrived on scene and civilians began to gather around them. Four to five officers, who PO Depaz did not recall, approached him. They had decided to place the other handcuff on § 87(2)(b)'s back belt loop, but before they were able to do so, he turned around began to swing his free arm that was in a cast around. The officers attempted to place the other handcuff on the casted arm, but § 87(2)(b) pushed PO Depaz (he did not fall back) and continuously swung his arm. PO Depaz continuously yelled, "Stop resisting." One of the officers had control of § 87(2)(b)'s hand that was handcuffed. § 87(2)(b) kicked the officers with his feet. One made contact with PO Depaz's foot. He continued to curse and yelled for people in the crowd to help him. The officers restrained his legs by lifting him. PO Depaz grabbed both of § 87(2)(b)'s legs and held them on either side of his body. Other officers were holding his upper-body. At this point, § 87(2)(b) continued to try to kick his legs, move his hands away and push his head towards the officers (in a maneuver that appeared to be a head-butt attempt). While he was mid-air, one of the officers was able to secure the handcuff above the cast. PO Depaz never punched, kicked struck or kned § 87(2)(b) and saw no other officer do so. PO Depaz did not recall if § 87(2)(b) was taken to the ground. No officer had his or her asp out. It took a few minutes for the officers to handcuff § 87(2)(b).

As § 87(2)(b) was being apprehended, approximately five to 10 people gathered around about an arm's length away. They cursed at the officers and tried to get closer. Some officers, who PO Depaz did not recall, conducted crowd control. The officers told the crowd to back up so they could get § 87(2)(b) out of the street. He never stated, "Back the fuck up," or "shut the fuck up." PO Depaz did not hear any officer use any profanity. PO Depaz did not see any officer

make any physical contact with anyone in the crowd. PO Depaz never pushed any civilian in the crowd. He never saw any civilian on the ground near the arrest vehicle. Over 12 to 15 officers in uniform from the 73rd Precinct responded to the scene. Aside from the officers he worked with, he did not recall who these officers were and was unable to provide any name of any officer.

PO Depaz escorted § 87(2)(b) to the arrest van, which was parked on the street about eight feet away. No other officer escorted § 87(2)(b). PO Depaz held § 87(2)(b) by his uncased arm as they walked. § 87(2)(b) jerked his head back towards PO Depaz. The van was a double door van with two steps. No other officer assisted PO Depaz or stood nearby. Both doors were closed. PO Depaz held § 87(2)(b) against the van with his palm on his mid back. He held him against the van for about one minute, as § 87(2)(b) jerked his body around, and PO Depaz opened the doors with his other hand. § 87(2)(b)'s face never hit the van. Once the doors were open, § 87(2)(b) was initially hesitant to get into the van, but he eventually stepped in.

PO Depaz and § 87(2)(b) sat in the parked van for approximately 10 minutes until another civilian, who PO Depaz did not recall and could not describe, was brought into the van. Sgt. Cahill, PO Gales and PO Tyrone entered the van and they went back to the stationhouse. PO Depaz did not recall where each officer sat. PO Depaz observed no injury on § 87(2)(b). He never complained of having any injury. PO Depaz noticed the § 87(2)(b)'s shirt was ripped on the collar's seam. He declined medical treatment.

When they arrived at the stationhouse, PO Depaz escorted § 87(2)(b) out of the van. He continued to be irate as he cursed at PO Depaz. § 87(2)(b) was compliant in stepping out of the van. PO Depaz did not punch § 87(2)(b) in the stomach and saw no other officer do so.

PO Depaz never observed or heard any crowd of civilians inside or outside of the stationhouse. He did not observe any officer use his or her pepper-spray or use profanity toward any civilian at the stationhouse. He later learned that one civilian, whose name he did not know, shoved an officer and tried to run into the stationhouse near the sergeant's desk which is a restricted area. PO Depaz did not physically interact with any individual at the stationhouse and never learned of any altercation.

Subject Officer: PO ALEJANDRO VILLALONA

- *PO Villalona, § 87(2)(b) old at the time of the incident, is a white male who is 6'3" tall, weighs 240 pounds and has brown hair and brown eyes. On July 4, 2013, PO Villalona worked in uniform from 5:30 p.m. to 2:05 a.m. the next day. He was assigned to conditions out of Patrol Borough Brooklyn North. He did not recall who he worked with on the conditions team. They worked out of vehicle number 8644, which is a marked van. He did not recall if he was the operator.*

Memo Book

PO Villalona did not have his memo book. He stated that he had a house fire in September 2013 and lost all memo books pre-dating August 20, 2013. He filled out a Complaint Report in regards.

CCRB Testimony

On January 15, 2014, PO Villalona was interviewed at the CCRB (encl. 22A-C). § 87(2)(g)

§ 87(2)(g) As the officers were trying to get the handcuff around § 87(2)(b)'s cased hand, he swung at the officers with his cased hand, making contact with PO Villalona, but not injuring him. He also pushed the officers with his hands. PO Villalona punched him. He did not recall how many times he punched him or where on his body he punched him. Immediately after, the officers brought

§ 87(2)(b) to the ground by pulling on his arms. On the ground, he continued to swing his arms, but the officers were able to place the handcuff on the upper end of his cast.

After § 87(2)(b) was secured in an RMP, PO Villalona heard that an individual, identified by investigation as § 87(2)(b) slashed police tires. Two officers were running after him so PO Villalona and three or four other officers followed. PO Villalona did not recall who any other officer was. § 87(2)(b) made a left onto Livonia Avenue.

When PO Villalona caught up he saw that § 87(2)(b) was face down on the ground about halfway down the block. His position led PO Villalona to believe that he tripped and fell, although he did not see that. He was lying flat on the ground. His right arm was tucked underneath his chest, while his left arm was waving in the air. The two officers were already attempting to grab his left wrist to handcuff him. § 87(2)(b) kicked his legs in every direction. The officers told him to stop resisting. PO Villalona got on the ground near § 87(2)(b)'s legs. § 87(2)(b) rocked his torso. The other officers gained control of § 87(2)(b)'s left arm. PO Villalona tried to grab § 87(2)(b)'s right arm from under his body. After one or two minutes, § 87(2)(b) appeared to get tired and the officers were able to forcibly pull his right arm out from underneath him. They placed handcuffs on him. PO Villalona did not recall if he punched § 87(2)(b). He did not see any other officer punch § 87(2)(b). No officer kicked § 87(2)(b) or stomped on his shoulders. Other officers showed up, but PO Villalona did not recall where they were specifically standing. PO Villalona never called § 87(2)(b) a "motherfucker," nor did he hear any other officer make that statement. There was a crowd gathered across the street from the apprehension on the north side of Livonia Avenue.

§ 87(2)(b) did not want to stand up. Officers pulled him up by his arms. PO Villalona did not recall where § 87(2)(b) was escorted to. He did not recall if he escorted § 87(2)(b) into any RMP. § 87(2)(b) did not want to move, but he did not indicate that he was unable to move or complain of any injury. He never made any reference to his ribs. § 87(2)(b) moved back and forth and did not want to get into the RMP. He eventually went in. PO Villalona never said or heard any officer say, "You ain't getting shit. Get the fuck in the car. Get the fuck in the car." PO Villalona did not observe any visible injury on § 87(2)(b).

PO Villalona remained on scene for another two to three minutes. People eventually got off the street. PO Villalona and his team resumed patrol from the location. PO Villalona eventually went back to the stationhouse. He did not encounter a crowd at the stationhouse, but he learned that people had gathered out front. He did not learn if pepper spray was utilized.

Witness Officer: PO BRYAN CULLEN

- *PO Cullen, § 87(2)(b) old at the time of the incident, is a white male who is 6'1" tall, weighs 220 pounds and has brown hair and hazel eyes. On July 4, 2013, PO Cullen worked in uniform from 5:30 p.m. to 2:05 a.m. the next day with overtime until 6:05 a.m. He was assigned to anti-crime and worked a Fireworks/ Fourth of July detail out of the 73rd Precinct. PO Cullen worked with Sgt. James Grillo out of an unmarked blue Chevy Impala. He was the operator.*

Memo Book

At 12:30 a.m., § 87(2)(b) was placed under arrest at Livonia Avenue and Legion Street by PO Clarke (encl. 23A).

CCRB Testimony

On December 4, 2013, PO Cullen was interviewed at the CCRB (encl. 23B-D). On July 5, 2013, at approximately 12:30 a.m., PO Cullen responded to a radio run of an officer requesting assistance on Legion Street and Livonia Avenue to clear out a block party. When he arrived, he

saw hundreds of civilians on the street with a few dozen uniformed officers on scene. He and other officers conducted crowd control, issuing commands for people to disperse. No officer used profanity towards the crowd, most of which left the area.

PO Cullen observed § 87(2)(b) behaving in a disorderly manner, yelling loudly and acting boisterously with a uniformed officer, who he did not specifically recall, on Legion Street near Livonia Avenue. She was standing on the street as vehicles tried to get through. PO Cullen approached § 87(2)(b) and the officer. The officer told her to move about four times, but she refused to move and cursed. She appeared to be intoxicated because she was disorderly and she had a strong odor of alcohol on her breath.

PO Cullen decided to summons § 87(2)(b) for refusing to disperse. He asked her for her identification to summons her. She refused and stated, "Fuck you," to him. PO Cullen asked her for her identification for a second time, but she refused again. PO Cullen and the other officer attempted to place handcuffs on § 87(2)(b). She tried to kick at the officers and motioned her arms in front of her body. She made no contact with the officers. Both officers were able to pull her hands behind her back and handcuffed her. PO Cullen never stated, "You better move out of my way before I spray you with mace," nor did he ever threaten her with using his pepper-spray or any force. The officer who PO Cullen was standing with made no such statement to her either. There was no other officer present. He did not recall if there were two black male officers present. He never heard any officer say, "The only reason why your wife got arrested is that her fucking friends were being unruly," or use any profanity towards anyone in the crowd.

PO Cullen and the other officer escorted § 87(2)(b) to PO Cullen's vehicle. Sgt. Grillo returned and PO Cullen drove them back to the stationhouse to drop off § 87(2)(b). § 87(2)(b) He did not process her arrest.

Subject Officer: PO JOSEPH MCEVOY

- *PO McEvoy, § 87(2)(b) old at the time of the incident, is a white male who is 6' tall, weighs 165 pounds and has brown hair and blue eyes. On July 4, 2013, PO McEvoy worked in uniform from 6:30 p.m. to 3:05 a.m. the next day with overtime until 7:05 a.m. He was assigned to the fireworks auto detail out of the 73rd Precinct. He worked with PO George Allen and PO Andrew Kamna out of vehicle number 4461, which is a marked RMP. He was the operator.*

Memo Book

At 12:10 a.m., PO McEvoy responded to officers needing assistance at Legion Street and Livonia Avenue. At 12:25 a.m., § 87(2)(b) was placed under arrest (encl. 24A-C).

On-Line Booking Sheet

§ 87(2)(b)'s arrest report, prepared by PO McEvoy, noted that PO McEvoy observed § 87(2)(b) slash tires of NYPD vehicles causing damage in excess of \$250.00. § 87(2)(b) fled, causing a brief foot pursuit at which time § 87(2)(b) discarded the knife used to slash the tires. While attempting to place § 87(2)(b) into custody, he resisted arrest and fought with numerous officers (encl. 24D-H).

CCRB Testimony

On December 5, 2013, PO McEvoy was interviewed at the CCRB (encl. 24I-K). § 87(2)(g)

§ 87(2)(g) When PO McEvoy first arrived on scene, he stood in front of his patrol car alone for five minutes until he heard a hissing noise behind him. He turned around and

observed § 87(2)(b) jump up from the ground next to the driver's side tire. He was holding a knife with a silver blade, which PO McEvoy could not further describe. § 87(2)(b) was not holding a broom. PO McEvoy told him not to move, but § 87(2)(b) ran. PO McEvoy and other officers, who he could neither estimate the number of nor recall, pursued him.

When PO McEvoy turned the corner to Livonia Avenue he noticed that § 87(2)(b) was on the ground approximately halfway down the block. PO McEvoy approached and stood approximately two or three feet away from § 87(2)(b)'s head. He did not make any physical contact with § 87(2)(b) as the other officers handcuffed him. PO McEvoy repeatedly yelled, "Watch out for the knife," because he did not know if § 87(2)(b) still had the knife on him.

As soon as § 87(2)(b) was handcuffed, PO McEvoy canvassed for the knife, which he failed to find. No knife was recovered on § 87(2)(b). PO McEvoy never learned which officers transported § 87(2)(b) back to the stationhouse. He did not see which vehicle § 87(2)(b) was placed in and did not see him being escorted or placed into any vehicle. He returned to his assigned vehicle and saw that the rear driver's side tire was slashed. PO McEvoy, PO Kamna and PO Allen returned to the stationhouse. They drove on a flat tire.

PO McEvoy did § 87(2)(b)'s arrest processing. § 87(2)(b) told PO McEvoy that he slashed the tires because it was a hostile night. The only conversation PO McEvoy had with § 87(2)(b) was during the fingerprinting. PO McEvoy did not observe any injury on § 87(2)(b). § 87(2)(b) did not complain of any injury or request medical attention. No other officer told him or indicated to him that § 87(2)(b) requested medical attention. PO McEvoy never learned if § 87(2)(b) received any medical attention. PO McEvoy never called for EMS for treatment or transport to the hospital. After processing, he did not have any interaction with § 87(2)(b).

Subject Officer: SGT. MATTHEW CAHILL

- *Sgt. Cahill, 35 years old at the time of the incident, is a white male who is 5'7" tall, weighs 180 pounds and has brown hair and green eyes. On July 4, 2013, Sgt. Cahill worked in uniform from 6 p.m. to 2:57 a.m. the next day with overtime until 7:00 a.m. He was assigned as the Impact supervisor out of the 73rd Precinct. He was assigned to sector coverage to break up large parties stemming from the Fourth of July holiday. Sgt. Cahill worked with PO Gales, PO Depaz and PO Tyrell out of van number 5774. PO Gales was the operator.*

Memo Book

Sgt. Cahill had no memo book entries regarding the incident (encl. 25A-B).

CCRB Testimony

On December 18, 2013, Sgt. Cahill was interviewed at the CCRB (encl. 25C-E). § 87(2)(b)

(g)

Sgt. Cahill denied witnessing or participating in § 87(2)(b)'s apprehension. At one point during the night there was a small crowd of about ten people outside of the 73rd Precinct stationhouse. Sgt. Cahill went outside and told them that they had to leave unless they were there to make a complaint or had any valid business. Individuals refused to leave. They yelled and cursed. Sgt. Cahill did not use any profanity towards any civilian at the stationhouse. Sgt. Cahill did not use his pepper spray and he did not see any other officer use his or her pepper spray. Individuals eventually left.

Witness Officer: PO KENYA CLARKE

- *PO Clarke, § 87(2)(b) old at the time of the incident, is a black female who is 5'3" tall, weighs 150 pounds and has black hair and brown eyes. On July 4, 2013, PO Clarke worked in uniform from 6 p.m. to 2:35 a.m. the next day with overtime until 1:11 p.m. on July 5, 2013.*

She was assigned to Post 16, which covers Rockaway Avenue and Lott Avenue, out of the 73rd Precinct. She worked alone on foot.

Memo Book

At 12:20 a.m., PO Clarke responded to Legion Street and Livonia Avenue. At 12:30 a.m., she was informed of § 87(2)(b)'s arrest by PO Cullen (encl. 26A).

On-Line Booking Sheet

§ 87(2)(b)'s arrest report, prepared by PO Clarke, noted that PO Clarke was informed by PO Cullen that § 87(2)(b) was refusing to disperse, engaging in unlawful assembly with a group of more than 30 people. § 87(2)(b) was warned multiple times to disperse, but remained on the public sidewalk. She acted in a loud, violent and tumultuous manner. She further resisted arrest by kicking and flailing her arms (encl. 26B-F).

CCRB Testimony

On December 17, 2013, PO Clarke was interviewed at the CCRB (encl. 26G-I). § 87(2)(g)

She did not witness or partake in any apprehension while on scene. PO Clarke was informed of § 87(2)(b)'s arrest at the stationhouse and was assigned to the arrest because § 87(2)(b) was not cooperating with PO Cullen.

Witness Officer: PO RENE CASTELLANO

- *PO Castellano, § 87(2)(b) old at the time of the incident, is a Hispanic male who is 5'9" tall, weighs 185 pounds and has brown hair and brown eyes. On July 4, 2013, PO Castellano worked in uniform from 6:30 p.m. to 3:05 a.m. the next day with overtime until 3:49 p.m. PO Castellano was assigned to conditions out of the 73rd Precinct. He worked with PO Villalona and PO James Schuessler out of vehicle number 5237, which is a marked RMP. PO Schuessler was the operator.*

Memo Book

At 12:30 a.m., PO Castellano conducted crowd control at Legion Street and Livonia Avenue (encl. 27A-C).

CCRB Testimony

On March 13, 2014, PO Castellano was interviewed at the CCRB (encl. 27D-F). § 87(2)(g)

§ 87(2)(g) he did not recall any crowd gathering at the stationhouse.

Subject Officer: SGT. JAMES GRILLO

- *Sgt. Grillo, § 87(2)(b) old at the time of the incident, is a white male who is 6' tall, weighs 205 pounds and has brown hair and brown eyes. On July 4, 2013, Sgt. Grillo worked in uniform from 9:16 a.m. to 6 p.m. with overtime until 6:00 a.m. on July 5, 2014. He was assigned to a Fourth of July detail out of the 73rd Precinct. Sgt. Grillo did not recall which officer he was working with. Sgt. Grillo was assigned to an RMP. He was the recorder.*

Memo Book

Sgt. Grillo had no memo book entries regarding this incident (encl. 28A-C).

CCRB Testimony

On January 23, 2014, Sgt. Grillo was interviewed at the CCRB (encl. 28D-E). § 87(2)(g)

Subject Officer: SGT. RICARDO OTERO

- *Sgt. Otero, § 87(2)(b) old at the time of the incident, is a Hispanic male who is 5'10" tall, weighs 195 pounds and has black hair and brown eyes. On July 4, 2013, Sgt. Otero worked in uniform from 11:05 p.m. to 8:02 a.m. the next day. He was assigned as a patrol supervisor. Sgt. Otero did not recall who his operator was. He was assigned to a marked vehicle. He was the recorder.*

Memo Book

Sgt. Otero had no memo book entries regarding this incident (encl. 29A-B).

CCRB Testimony

On April 3, 2014, Sgt. Otero was interviewed at the CCRB (encl. 29C-D). He stated that, at a time he did not recall, he responded to the location and everything "appeared to be under control." From 3 a.m. to 4 a.m., he took the desk sergeant assignment. He did not recall any crowd forming inside or outside of the stationhouse during that time.

Witness Officer: LT. FREDDY CHALEN

- *Lt. Chalen, § 87(2)(b) old at the time of the incident, is a Hispanic male who is 5'4" tall, weighs 140 pounds and has black hair and brown eyes. On July 4, 2013, Lt. Chalen worked in uniform from 6:40 p.m. to 11:25 p.m. with the Macy's Fireworks Fourth of July Detail in Manhattan. On July 5, 2013, Lt. Chalen worked from 12:45 a.m. to 7:45 a.m. when he was assigned as the 73rd Precinct platoon commander. Lt. Chalen worked alone during both tours. He was assigned to a marked vehicle.*

Memo Book

At 12:45 a.m., Lt. Chalen arrived at the 73rd Precinct stationhouse (encl. 30A-C).

CCRB Testimony

On January 30, 2014, Lt. Chalen was interviewed at the CCRB (encl. 30D-E). On July 5, 2014, at 12:45 a.m., Lt. Chalen returned from the stationhouse after conducting a holiday detail in Manhattan. Until 2 a.m. he took his meal inside of the locker room on the second floor of the stationhouse. He did not overhear, encounter or learn of any crowd at the stationhouse. He did not work as the desk supervisor on this night.

Medical Records

§ 87(2)(b)

Pre-Arrest Screening Form

§ 87(2)(b)'s pre-arrest screening form from Correctional Health Services note that he had a boxer's fracture to his right hand, which was an old injury from § 87(2)(b). He refused medical attention. He had swelling to the right side of his head. The note references his shoulders, but the content is illegible (encl. 39MM).

§ 87(2)(b)

On § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b) where he complained of pain to his lower back, abrasions on his left shoulder and left knee and a tender head. No swelling was found on his shoulders, hands, head and neck. X-rays to his spine, hands and shoulders revealed no fractures, but noted his already existing fracture of the fifth metacarpal bone from § 87(2)(b). He was released with Naprosyn (encl. 39JJ-YYY).

§ 87(2)(b)

Ambulance Care Report

§ 87(2)(b)'s ambulance care report from FDNY notes that he was examined in the cell where he complained of pain to his ribs and legs. The exam revealed no swelling, bleeding or bruising. He was transported to § 87(2)(b) for further care (encl. 39D-J).

Pre-Arraignment Screening Form

§ 87(2)(b)'s pre-arraignment screening form from Correctional Health Services note that he complained to rib pain and requested to go to the hospital (encl. 39JJ).

§ 87(2)(b)

On July 6, 2014, § 87(2)(b) was treated at § 87(2)(b). He was diagnosed with 9th and 10th rib fracture on the right and a 9th rib fracture on the left. He also complained of pain to his face and the back of his head, but there are no notations regarding injuries in those locations. He was released with Motrin and Toradol (encl. 39P-II).

§ 87(2)(b)

On July 10, 2013, § 87(2)(b) was treated at § 87(2)(b). He complained of pain to his right chest and was given Oxycodone and Acetaminophen (encl. 39EEEE-XXXX).

NYPD Documents

Command Log

§ 87(2)(b) and § 87(2)(b) were entered into the command log at 12:30 a.m. and § 87(2)(b) was entered into the command log at 12:35 a.m. Their physical and mental conditions are listed as apartment normal (encl. 31A-B).

Arrest Photographs

§ 87(2)(b)'s arrest photograph shows no visible swelling, bruises or marks. There was no result for § 87(2)(b) or § 87(2)(b) (encl. 31C).

Medical Treatment of Prisoner Reports

§ 87(2)(b)'s medical treatment of prisoner report, prepared by PO Depaz, noted that he had a cast on his right hand. § 87(2)(b)'s medical treatment of prisoner report, prepared by PO McEvoy, noted that he complained that his ribs hurt on the left and right side of his body. He was transported to § 87(2)(b). There was no report prepared for § 87(2)(b) (encl. 31D-E).

Other Evidence

Video Footage

§ 87(2)(b) provided a video of the incident recorded on his cell phone (encl. 32A). It is 10 minutes and 15 seconds long. The first minute of the video reveals § 87(2)(b) who is wearing a cast on his right arm, standing in a driveway speaking with PO Depaz, PO Villalona and an unidentified male officer in uniform. No conversation is legible. PO Depaz is attempting to place handcuffs on § 87(2)(b)'s casted arm. PO Villalona has one hand on § 87(2)(b)'s stomach, as PO Depaz is standing behind him. § 87(2)(b) is yelling incomprehensibly, but he is standing still. After two minutes and 15 seconds, PO Depaz is still attempting to place the handcuff on § 87(2)(b) as PO Villalona places his hand on his chest. § 87(2)(b) moves his torso away from PO Villalona and takes one step back. Neither of his hands is in handcuffs. PO Villalona grabs § 87(2)(b) under his left armpit and pulls him towards his body. As PO Villalona is holding onto § 87(2)(b)'s left forearm, § 87(2)(b) runs towards a wall as PO Villalona places his other hand around § 87(2)(b)'s face. PO Depaz moves along with them towards the wall, but it is unclear if he retains contact. § 87(2)(b)'s cast can be seen swinging towards PO Villalona's face making contact. For the next forty seconds, the video is too dark to discern the officers' or § 87(2)(b)'s body movements, but his cast can be seen moving. About six uniformed officers can be seen taking § 87(2)(b) to the ground, but the maneuver is unclear. The next minute is dark, but § 87(2)(b) can be heard repeatedly yelling, "They hit me," and, "They killing me." Approximately five uniformed officers can be seen on the ground. PO Depaz escorted § 87(2)(b) holding onto his arms, to a marked van parked directly in front of the driveway. He walked along, only turning his body around once to yell, "Fickety faggots." At four minutes and 15 seconds in, PO Depaz places the front of § 87(2)(b)'s body against the van with his hand on his back as the van doors are opened. He is then placed inside.

For the next two minutes and 20 seconds, the camera spans around showing several uniformed officers who are standing around. With the camera, § 87(2)(b) runs northbound on Legion Street with a crowd of other people. At 7 minutes and 40 seconds in, he approaches a crowd of people surrounding several uniformed officers on the ground placing an individual, who is not seen, under arrest. Officers can be heard yelling, "Get off the street," and "Go on the sidewalk." Flashlights are directed towards § 87(2)(b)'s camera as he yells at them. The video concludes as officers disperse and the crowd continues to yell, as they had throughout the video.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Status of Civil Proceedings

- § 87(2)(b)
[REDACTED] and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of October 23, 2013 with regard to the incident.
- § 87(2)(b) filed a Notice of Claim with the City of New York on September 23, 2013, claiming various physical injuries, mental anguish and psychological injuries and seeking five million dollars and attorney fees as redress (encl. 35C).

Civilians Conviction History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Civilians CCRB History

- § 87(2)(b) has filed the following CCRB complaint:
 - § 87(2)(b) [REDACTED]
- § 87(2)(b) is the complainant and victim of the following CCRB complaints:
 - § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- This is the first CCRB complaint in which § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] are participants.
- § 87(2)(b) [REDACTED] has filed the following CCRB complaint:
 - § 87(2)(b) [REDACTED]
[REDACTED]
- This is the first CCRB complaint filed by § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED] has filed the following CCRB complaint:
 - § 87(2)(b) [REDACTED]
[REDACTED]

Subject Officers CCRB History

- PO Depaz has been a member of the service for two years and there are no substantiated CCRB allegations against him (encl. 5A).
- PO Villalona has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 5B).
- Sgt. Cahill has been a member of the service for ten years and there is one substantiated CCRB allegation against him (encl. 5C).
 - In 200507025, an allegation of a use of a nightstick was substantiated. He was found not guilty during a DCT trial.
- Sgt. Otero has been a member of the service for 14 years and there are no substantiated CCRB allegations against him (encl. 5D).
- Sgt. Grillo has been a member of the service for 15 years and there are four substantiated CCRB allegations against him (encl. 5E-G).
 - In 201206499, allegations of a vehicle search, a threat of arrest, a discourtesy and a stop were substantiated. The CCRB recommended charges. The NYPD has not yet imposed any disciplinary action.

Conclusion

Identification of Subject Officers

- PO Depaz and PO Villalona acknowledged apprehending § 87(2)(b). Further, they are depicted in the video as the first two officers to attempt to handcuff him. The investigation was unable to identify the remaining officers who took part in his apprehension. § 87(2)(g)
- § 87(2)(b) described the officers who punched and kned him during his apprehension and punched him at the stationhouse as a white male who was in his mid-30's to 40's, was 5'8" to 5'9" tall, stocky, had a shaved bald head and whose nameplate read "Cahill." Sgt. Cahill, § 87(2)(b) old at the time of the incident, is a white male who is 5'7" tall, weighs 180 pounds and has brown hair. § 87(2)(g)
- According to all of the testimony obtained, NYPD documentation and the video footage, several officers from different commands responded to the location over the course of the incident. Additionally, there were several officers at the 73rd Precinct stationhouse. § 87(2)(g)
- § 87(2)(b) stated that eight to 12 officers physically apprehended him, but he was only able to provide descriptions for two of these officers. § 87(2)(b) stated that several officers, who he could not see, called him a "motherfucker" during his apprehension. PO Villalona acknowledged physically apprehending § 87(2)(b). No officer interviewed heard the use of any profanity on scene. As detailed above, a photo viewing was deemed to be unfeasible. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pled

- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)
- § 87(2)(g)

- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]

Allegation A – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Victor Depaz used physical force against § 87(2)(b)

Allegation B – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Alejandro Villalona used physical force against § 87(2)(b)

Allegation C – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, Sgt. Matthew Cahill used physical force against § 87(2)(b)

Allegation D – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers used physical force against § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) alleged that as PO Depaz was trying to place the handcuff on his casted arm, PO Villalona, Sgt. Cahill and about six other officers approached them. § 87(2)(b) lifted both of his arms up (while PO Depaz kept his grip on the left arm) and several officers punched him in his ribs 10 or 20 times until he hit the ground stomach-down. PO Depaz's knee was on his neck and Sgt. Cahill punched him in his ribs and kned the right side of his body. Multiple officers, who he could not see, punched, kicked and kned him in his ribs, on his sides and his neck more than 10 times. He could not distinguish the difference between the kicks and the punches, but assumed these to be the types of strikes based on the positioning of the officers all around him. § 87(2)(b) tried to give the officers his right arm, but because of the cast, his right arm was unable to be maneuvered to his back. He was not physically resisting in any way. Officers twisted his wrist that was in the cast and put the right handcuff on his forearm below his elbow. At the paddy wagon, PO Villalona, who was holding onto § 87(2)(b)'s neck and the back of his right arm, pushed the right side of his face into the closed window of the van. He sustained scrapes on his left knee and left shoulder and felt pain in his lower back.

According to § 87(2)(b) when he was trying to record § 87(2)(b)'s apprehension, an unidentified officer pushed his right shoulder, causing him to bump into another officer's back. Other officers, who he could not recall, grabbed his back and pushed him to the floor and handcuffed him. He sustained a cut on his left arm near his elbow.

§ 87(2)(b) corroborated § 87(2)(b)'s account, but § 87(2)(b) and § 87(2)(b) stated that they did not see any officer strike § 87(2)(b).

PO Depaz stated that § 87(2)(b) pushed the officers, kicked his legs and moved his hands away from them. The officers lifted him off of the ground and held his legs and were then able to handcuff him. PO Villalona corroborated the extent of § 87(2)(b)'s resistance, but stated that he punched him (he did not recall how many times or where on his body) and the officers brought § 87(2)(b) to the ground (he did not recall how). Sgt. Cahill denied witnessing or partaking in the apprehension. No officers recalled § 87(2)(b) or making physical contact with any individual in the crowd.

The video footage depicts § 87(2)(b) move his torso away from PO Villalona. PO Villalona then grabs § 87(2)(b) under his left armpit and pulls him towards his body. As PO Villalona is holding onto § 87(2)(b)'s left forearm, § 87(2)(b) runs towards a wall as PO Villalona places his other hand around § 87(2)(b)'s face. PO Depaz moves along with

them towards the wall, but it is unclear if he retains contact. § 87(2)(b)'s cast can be seen swinging towards PO Villalona's face and making contact. The remainder of the apprehension is not clearly shown on the video, but there is an apparent struggle on the ground for a few minutes. At the paddy wagon, PO Depaz held § 87(2)(b) against the door with his hand on his back.

Patrol Guide Procedure 203-11 authorizes officer to use the minimum amount of force necessary to overcome resistance to effect an arrest (encl. 1A-B).

§ 87(2)(g)

Allegation E- Discourtesy: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers spoke rudely to § 87(2)(b) and individuals.

Allegation F – Abuse of Authority: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers threatened to arrest § 87(2)(b) and individuals.

Allegation G – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, an officer threatened § 87(2)(b) with the use of force.

Allegation L- Discourtesy: At the 73rd Precinct stationhouse, officers spoke rudely to § 87(2)(b) and individuals.

§ 87(2)(b) stated that officers yelled, “Get the fuck back,” and, “If you don’t get back, we’re going to arrest you.” When he approached § 87(2)(b)'s arrest scene, an officer told him that she was arrested because “her fucking friends [were] being unruly.” § 87(2)(b) stated that during § 87(2)(b)'s apprehension, he cried and an officer told him, “Just shut the fuck up. You’re not going to get no ticket or nothing,” and, “Back up before you get locked up too.” After § 87(2)(b) was handcuffed, he asked for his sneaker that fell off and an officer said, “You ain’t getting shit. Get the fuck in the car. Get the fuck in the car.”

§ 87(2)(b) alleged that an officer tried to get past her, but she refused to move, both verbally and physically, after he asked her to move three or four times. The same officer told her, “You better move out of my way before I spray you with mace.” He reached towards his pepper spray, but did not grab it, unholster it or utilize it.

§ 87(2)(b) stated that several officers told the crowd at the stationhouse, “Get the fuck out of here. Move back.” § 87(2)(b) stated an officer told the crowd, “I need everyone to get the fuck away from the precinct.” § 87(2)(b) stated that officers yelled, “Get the fuck away,” and “Get the fuck out of there.” § 87(2)(b) heard multiple officers say, “Get the fuck out of here.”

The officers who were interviewed denied using or hearing profanity or threatening to arrest or use force against any civilian.

An officer’s use of profanity in highly stressful situations is not a disciplinary offense. NYPD v. Ebanks, OATH Index No. 76079/00 (encl. 2A-AA). An officer’s threat of arrest to gain control of a difficult situation is not misconduct. NYPD v. Grandstaff, OATH Index No. 79085/03 (encl. 3A-O). An officer is permitted to make a threat of force for a legitimate law enforcement purpose so long as it is neither egregious nor used solely to intimidate or antagonize an individual who is not posing a threat to anyone else’s safety. NYPD v. Briscoe, OATH Index 1328/00 (encl. 4A-Z).

§ 87(2)(g)

Allegation H – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, PO Alejandro Villalona used physical force against § 87(2)(b)

§ 87(2)(b) stated that he ran away from officers and fell to the ground on his hands on the sidewalk. Immediately, 8 to 12 white male officers in uniform surrounded him and began to kick and punch him. § 87(2)(b) was lying on the right side of his body with his arms covering his face and his knees bent into his stomach. § 87(2)(b) rolled his body to the left side. The officers tried to pull § 87(2)(b)'s hands away from his face. They continued to kick and punch him as he was curled up. In total, § 87(2)(b) was kicked approximately 50 times in his head, back, legs and ribs and punched approximately 50 to 60 times in his jaw and head. Officers also stomped on § 87(2)(b)'s shoulders about 10 or 15 times. § 87(2)(b) was not making any other movements with his body. The officers turned § 87(2)(b) over on his stomach and pulled his arms behind his back. One of the officers, who he could not see, kicked him in his genitals. After he was stood up, one officer, whose face § 87(2)(b) could not see, punched him on the right side of his face and another officer punched him in his ribs. Medical documentation confirmed that § 87(2)(b) suffered two broken ribs. His arrest photograph shows no visible swelling, bruises or marks.

PO Villalona stated that he ran after officers, who he did not recall, and § 87(2)(b). When he caught up, § 87(2)(b) was lying flat on the ground with his right arm tucked underneath his chest and left arm waving in the air. The two officers were already attempting to grab his left wrist to handcuff him. § 87(2)(b) kicked his legs in every direction. The officers told him to stop resisting. PO Villalona got on the ground near § 87(2)(b)'s legs. § 87(2)(b) rocked his torso. The other officers gained control of his left arm and tried to grab his right arm from under his body. After one or two minutes, § 87(2)(b) appeared to get tired and the officers were able to forcibly pull his right arm out from underneath him. They placed handcuffs on him. PO Villalona did not recall if he punched § 87(2)(b). He did not see any other officer punch § 87(2)(b). No officer kicked § 87(2)(b) or stomped on his shoulders. PO McEvoy and Sgt. Cahill corroborated PO Villalona's statement, but both denied physically partaking in the apprehension.

Patrol Guide Procedure 203-11 authorizes officer to use the minimum amount of force necessary to overcome resistance to effect an arrest (encl. 1A-B).

§ 87(2)(g)

Allegation I – Force: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers used physical force against § 87(2)(b)

Allegation J- Discourtesy: In the vicinity of Legion Street and Livonia Avenue in Brooklyn, officers spoke rudely to § 87(2)(b)

As discussed in Allegation H, § 87(2)(b) alleged that several officers used varying types of excessive force against him. He also stated that several officers, who he could not see, called him a “motherfucker” during his apprehension. § 87(2)(g)

Allegation K – Force: At the 73rd Precinct stationhouse, Sgt. Matthew Cahill used physical force against § 87(2)(b)

§ 87(2)(b) stated that when he got to the parking lot at the 73rd Precinct stationhouse Sgt. Cahill punched him on the right side of his stomach with a closed fist and said, “You’re not so tough now,” as he was exiting the van. Sgt. Cahill denied punching or making any physical contact with § 87(2)(b) § 87(2)(g)

§ 87(4-b) § 87(2)(g)

Team: 5

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date